



File number : 05703876.2

13.01.07

**Final Instructions**

for closing an application (loss of all rights).

**FINDING:**

1.  No use has been made of any of the legal remedies available.  
 The decision refusing the appeal / application for reestablishment of rights / request for further processing has become final.
2.  The application will not be dealt with as a European patent application (Rule 39 EPC).  
 The decision refusing the application has become final.  
 The application is deemed to be withdrawn.
3. Form 1320 has been dispatched (if necessary).
4. The return of Form 1320 is to be controlled by coding "BEEF".

15-01-2007  
The Hague, .....Di Miceli, Giuseppe  
.....  
(Formalities Officer)**FINDING:**

5. Checked with regard to costs; where applicable, refund ordered (RFAC).

**INSTRUCTIONS:**

6. ADWI(3) or REFU(3) and DEAD have been coded.

15-01-2007  
The Hague, .....Di Miceli, Giuseppe  
.....  
(Formalities Officer)



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Date  
04-10-2006

Reference	Application No./Patent No. 05703876.2 - 2308 PCT/JP2005000648
Applicant/Proprietor OTSUKA PHARMACEUTICAL CO., LTD.	

#### Noting of loss of rights pursuant to Rule 69(1) EPC

The European patent application cited above is deemed to be withdrawn (Rule 108(1) EPC) for the following reason(s):

- a)  translation of the international application into one of the EPO's official languages (Art. 158(2) EPC) not filed within the period specified in Rule 107(1)(a) EPC
- b)  national basic fee
  - search fee
  - designation fee
  - examination fee and/or written request for examinationnot validly paid / not made within the time limit specified in Rule 107(1)(c)-(f) EPC
- c)  payment of the above fees on ..... after expiry of the period for payment (on 28.08.06).

#### MEANS OF REDRESS:

1. The loss of rights [(a)(b)] shall be deemed not to have occurred if, within a (non-extendable) period of **TWO MONTHS** of notification of this communication, the relevant requirement(s) has (have) been fulfilled and the appropriate surcharge(s) under Article 2(3b)(3c) RFees have been paid (Rule 108(3) EPC).  
If fees were paid late [(c)], the requirement(s) as specified in Article 8(3)(4) RFees is (are) to be fulfilled within the same time limit.
2. If, however, the applicant considers that this finding is inaccurate, he may apply in writing for an EPO decision on the matter (Rule 69(2) EPC) within the same time limit, i.e. that specified in (1). The finding will be set aside only if it does not actually correspond to the factual or legal situation.  
**The applicant's rights with regard to fee payment or filing the written request for examination cannot be re-established under Article 122 EPC.**
3. If, in spite of all due care required by the circumstances having been taken, the applicant was unable to observe the time limit for filing the translation, he will, upon application, have his rights re-established provided that the time limits and formal requirements laid down in Article 122 EPC are complied with.



Date

Sheet 2

Application No. 05703876.2

**NOTE:**

Applicants not having either a residence or principal place of business within the territory of one of the EPC contracting states must have the above request under Article 122 EPC or Rule 69(2) EPC filed by a professional representative authorised to act before the EPO.

**RECEIVING SECTION**

**Enclosure: Schedule of Fees**



Gebühren für in die europäische Phase eintretende internationale Patentanmeldungen in EURO geltend ab 01.04.06 \*

Fees for international applications entering the European phase in EURO effective as from 01.04.06 \*

Taxes pour les demandes internationales entrant dans la phase européenne en EURO applicables à compter du 01.04.06 \*

Nationale Grundgebühr / National basic fee / Taxe nationale de base:	170,00 (160,00) ***
Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>auf Papier</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>on paper</u> : Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>sur papier</u> :	
Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <u>online</u> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <u>online</u> : Le formulaire d'entrée dans la phase européenne (formulaire OEB 1200) est déposé <u>en ligne</u> :	95,00 (90,00) ***
Recherchengebühr / Search fee / Taxe de recherche **	1000,00 (960,00) ***
Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications, filed <u>on or after</u> 1 July 2005: Applicable aux demandes internationales déposées à compter du 1er juillet 2005:	
Anwendbar für vor dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications filed <u>before</u> 1 July 2005: Applicable aux demandes internationales déposées avant le 1er juillet 2005:	720,00 (690,00) ***
Benennungsgebühr für jeden benannten Vertragsstaat (siebenfacher Betrag = alle Vertragsstaaten): Designation fee for each contracting state designated (seven times the amount = all contracting states): Taxe de désignation pour chaque Etat contractant désigné (sept fois cette taxe = tous les Etats contractants):	80,00 (75,00) ***
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Anspruchsgebühr für den elften und jeden weiteren Anspruch: Claims fee for the eleventh and each subsequent claim: Taxe pour chaque revendication à partir de la onzième:	45,00 (40,00) ***
Pauschalgebühr für eine zusätzliche Abschrift der im Europäischen Recherchenbericht aufgeführten Schriften: Flat-rate fee for an additional copy of the documents cited in the European search report: Taxe forfaitaire pour une copie supplémentaire des documents cités dans le rapport de recherche européenne:	25,00 (20,00) ***
Prüfungsgebühr / Examination fee / Taxe d'examen	1490,00 (1430,00) ***
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Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen: Applicable to international applications filed <u>on or after</u> 1 July 2005: Applicable aux demandes internationales déposées à compter du 1er juillet 2005:	1335,00 (1280,00) ***
Anwendbar für ab dem 1. Juli 2005 eingereichte internationale Patentanmeldungen, für die <u>kein</u> ergänzender europäischer Recherchenbericht erstellt wird (Art. 157(3)(a)): Applicable for international applications filed <u>on or after</u> 1 July 2005 for which <u>no</u> supplementary search report is drawn up (Art. 157(3)(a)): Applicable aux demandes internationales qui sont déposées à compter du 1er juillet 2005 pour lesquelles <u>il n'est pas</u> établi de rapport complémentaire de recherche européenne (art. 157(3)(a)):	1490,00 (1430,00) ***

\* = Siehe Beschluss des Verwaltungsrats vom 15.12.05 (ABI 1/2006, 8)  
See Decision of the Administrative Council of 15.12.05 (OJ 1/2006, 8)  
Voir Décision de Conseil d'administration du 15.12.05 (JO 1/2006, 8)

\*\* = Siehe ABI 3/2006  
See OJ 3/2006  
Voir JO 3/2006

\*\*\* = Anwendbar für Zahlungen eingegangen bis 31.03.06  
Applicable for payments received up to 31.03.06  
Applicable aux paiements reçus jusqu'au 31.03.06

\* = Postscheckkonto  
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BG	No. 1465104501 IBAN not implemented BIC Bulbank 7, Sveta Nedelya Sq. BG-1000 Sofia	FR	No. 30004 00567 00020020463 29 (RIB) IBAN FR76 3000 4005 6700 0200 2046 329 BIC BNPAFRPPPPOP BNP - Paribas Agence: Paris Clientèle Internationale 2, Place de l'Opéra F-75002 Paris	NL	No. 51 36 38 547 IBAN NL54 ABNA 0513 6385 47 BIC ABNANL2A ABN AMRO Bank NV Kneuterdijk 1, Postbus 165 NL-2501 AP Den Haag
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